

## **ORDINANCE REGULATING LICENSES AND PERMITS**

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## **ARTICLE I. IN GENERAL**

### **Sec. 1-1. License fees.**

All license/permit fees shall be as provided for in the Schedule of Fees (Appendix A) attached to this ordinance.

### **Sec. 1-2. Issuance of licenses/permits.**

All licenses or permits required by this Ordinance shall be granted by the City Council after applicant pays the required license or permit fee, files an application with the City Clerk, and meets all requirements of state law and local ordinance. However, no license or permit required by this Code for any business conducted in a building, except home occupations, shall be granted or renewed until written confirmation is received from the Fire Chief or his designee that all requirements of the Life Safety Code have been met. The applicant must apply in time to allow time for inspections of the building by the Fire Department, or Code Enforcement Officer, if required.

### **Sec. 1-3. Transfer of existing licenses by City Clerk.**

Section 1-1 of this ordinance provides in part for the issuance of licenses to resident caterers, innkeepers, owners of lodging houses and victualers. Licenses issued for these operations require that a specific location address appear on the license as issued. When the holder of a validly issued license moves from one location address to a different location address, the City Clerk may issue a new license denoting the change in address of location, provided the department of human services has approved such a change of location and there has been approval by the Fire Chief or his designee as set forth in section 1-2 of this ordinance. The new license shall expire on the original expiration date of the previously issued license.

### **Sec. 1-4. Delegation of Issuance of Licenses/Permits**

The City Council may, on an annual basis, delegate the issuance of any licenses/permits provided for in this ordinance to the City Clerk.

## **ARTICLE II. PAWNBROKERS & SECOND HAND DEALERS**

### **Sec. 2-1. License required.**

No person shall, within the limits of the City keep any shop or place for the pawn, purchase, sale or barter of secondhand articles, or be a dealer therein, unless licensed in accordance with this section.

### **Sec. 2-2. Application requirements.**

(a) The City Council shall grant a license if the applicant has chosen a location which complies with all municipal zoning ordinances, has not been convicted of a crime arising out of sales of items covered in this Article, has not violated state law governing pawnbrokers or secondhand dealers, and has filed an application with the City Clerk with the following information:

- (1) Name of licensee;
- (2) Proposed place of business;
- (3) Hours of operation;
- (4) Manner of operation;

(b) Any person who conducts a sale of used items from a residence more frequently than the single garage sale excluded from the regulation under this Article shall be deemed to be a secondhand dealer and must comply with all the requirements of this section.

#### **Sec. 2-3. Issuance of license.**

All licenses under this division shall be over the signature of the City Clerk, and the fee for making and issuing the same shall be as provided for in the Schedule of Fees (Appendix A) attached to this ordinance. Such license shall continue in force for one year from its date, unless sooner revoked by the City Council; and shall be recorded and properly indexed by the City Clerk. Unless otherwise specified, licenses are required to be renewed annually.

#### **Sec. 2-4. Revocation/suspension.**

The City Council may revoke or suspend a license under this Article if the licensee violates any conditions of the permit, violates any ordinance or statute governing the operation of pawnbrokers, or makes a material misstatement in the application. Except in emergency situations, the City Council must allow the licensee an opportunity to be heard before revocation of the license. Licensee must be notified a minimum of three (3) days prior to such hearing in writing stating the reasons for the revocation. In emergency situations where a license is revoked prior to a hearing, licensee must be given an opportunity to be heard as soon as is practicable.

#### **Sec. 2-5. Regulations.**

Every person licensed under this division shall put and keep in some conspicuous place on and outside of his place of business a sign designating that he is licensed to deal in such articles; and he shall keep a book in which shall be written, at the time of every purchase of every such article, a description of the article and the day and hour when such purchase was made; and he shall at all times keep the articles thus purchased, while the same remain in his possession, in such convenient place that they may be readily seen and examined. No other dealer or shopkeeper regulated by the provisions of this Article shall permit to be sold any such article purchased or received by him/her until, at least, a period of one (1) week from the date of its purchase or receipt has elapsed, unless authorized to sell the same in less than one (1) week by the Chief of Police or his/her designee.

#### **Sec. 2-6. Records, articles purchased subject to inspection.**

The book required to be kept by this ordinance and the articles thus purchased shall at all times be subject to the inspection and examination of the Chief of Police and any police officer or constable or any other officer seeking information in the line of his duty.

#### **Sec. 2-7. Daily report required.**

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Every licensed pawnbroker shall make out and deliver to the Chief of Police or his/her designee on duty at police headquarters every day before the hour of 10:00 a.m., a legible and correct list containing an accurate description of all articles taken in pawn during the preceding twenty-four (24) hours, together with the time when such articles were pawned.

Unless released from this requirement by the City Manager, every licensed pawnbroker or secondhand dealer shall make out and deliver to the Chief of Police or his/her designee on duty at police headquarters everyday before the hour of 10:00 a.m., a legible and correct list containing an accurate description of all articles bought or taken in exchange during the preceeding twenty-four (24) hours, together with the time when such articles were bought or exchanged.

#### **Sec. 2-8. Purchases from minors prohibited.**

No person licensed as aforesaid shall purchase any of the articles named in this section from any minor.

### **ARTICLE III. CANVASSING AND SOLICITATION**

#### **Sec. 3-1. Purposes.**

The purposes of this Article are to inform the public of the nature and intent of any canvassing or soliciting in the City, to protect the public from unfair or deceptive acts or practices, to protect residents from disturbances to the peaceful enjoyment of their homes, and to protect the general health and safety and welfare of the public through regulation of all canvassers and solicitors, as defined herein.

#### **Sec. 3-2. Permit required.**

Any canvasser or solicitor, as defined in this Article shall first obtain a written permit for such activity from the City Council. Such permit shall be required even if only part of a transaction occurs within the City limits. This paragraph applies to all solicitors or canvassers whether charitable, nonprofit, or for-profit, or whether the canvassing or soliciting is to be done on private property or the public ways of the City. This Article shall not apply to activities governed elsewhere in this ordinance nor to garage sales as defined in section 3-3.

#### **Sec. 3-3. Definitions.**

[For the purposes of this Article, the following terms shall have the meaning ascribed thereto:]

*Canvasser* or *solicitor* means any person, resident or nonresident, who offers to buy or sell merchandise, or who solicits funds or items of value for any purpose, by going door-to-door or from any temporary location including, but not limited to, any vehicle, stall, display, inside any business establishment or motel.

*Garage sale* means one sale of household goods at a residence for a maximum of three (3) consecutive days within a sixty-day period.

*Merchandise* means any objects, wares, goods, promises, commodities, intangibles, services or other things of value.

*Permanent place of business* means any building or other permanently affixed structure, including a home residence, which is owned or held under a six-month lease or rental agreement at the time business is commenced, and is used in whole or in part for the purpose of engaging in the sale of consumer merchandise.

*Person* means any person, firm, partnership, association or corporation.

*Sidewalk* means that part of the public highway or street designed for the use of pedestrians.

*Sidewalk stand* means any portion of sidewalk or roadway area used for the storage, display, or sale of foodstuffs in this Article, and shall include any structure or device used for the placement of foodstuff thereon.

*Transient seller of consumer merchandise* means any person who engages in the business of selling merchandise to consumers by means of personal contact or telephone contact, whether or not the seller is present in the state at the time of the contact or the time of sale, and who does not have, for the purposes of carrying on such business, any permanent place of business within this state. Transient sellers of consumer merchandise does not include persons who sell exclusively by mail contact, except for persons who offer merchandise or money prizes as free of charge, such as contest prizes or gifts for answering a survey, but who require the recipient to pay something of value in order to participate in this offer, including, but not limited to, entrance fees, processing fees or handling charges.

*Wholesome* means fit for human consumption without being injurious to human health, safety or welfare.

#### **Sec. 3-4. Issuance of permit for solicitation for charitable or nonprofit purposes.**

A canvassing or solicitation permit shall be issued by the City Council for charitable or nonprofit purposes if the applicant, an individual or an officer of the organization, has filed a statement of disclosure with the City Clerk. The statement of disclosure shall include the purpose of the solicitation of funds, the intended use of the funds toward that purpose, a description of the methods and duration of the solicitation, names, addresses, and positions of individuals in charge of raising and disbursing the funds, the projected amount to be raised, the estimated costs of raising it, and other municipalities in Maine in which the applicant has raised funds. The statement must be signed under oath as being true and correct. Proof of registration with the state of those charitable organizations which must register with the Secretary of State under 9 M.R.S.A., sections 5004, 5006, will be required.

#### **Sec. 3-5. Issuance of permits for soliciting or canvassing for profit.**

For other solicitation and sales by canvassing and soliciting the City Council shall grant a permit if the applicant has filed the following with the City Clerk:

- (1) Name, address, type and manner of activity;
- (2) A copy of any required state license;
- (3) If applicable, copies of applicant's transient seller's application and any current renewal application required pursuant to 32 M.R.S.A. Sections 4684, 4684-A. In the event that such applicant has obtained a waiver of security deposit from the department of business regulation, such applicant shall also file with the City Clerk a copy of all information required to be filed under 32 M.R.S.A., Section 4685-A;
- (4) For permits not governed by state law under transient sellers, 32 M.R.S.A., Sections 4681--4689, a statement of all judgments secured or outstanding against the applicant

arising out of sales to consumers, during the two (2) years immediately prior to making the application, and of all pending suits, either criminal or civil arising out of sales to consumers. If there is any such suit or judgment, applicant must file a security bond of ten thousand dollars (\$10,000.00) with the municipality.

#### **Sec. 3-6. Limitations and restrictions.**

- (a) Door-to-door solicitation without appointment shall be restricted to between the hours of 10:00 a.m. and 8:00 p.m. No permit shall be more than ninety (90) days in duration. City Council shall have discretion to limit the location of the solicitation, length of the permit, or the number of permits issued as determined by the needs of motor or pedestrian traffic or the number, or projected number, of similar permits in the same location. For other than door-to-door solicitation, to solicit on private property, the applicant must have written approval from the owner, lessor or manager of the property.
- (b) Door-to-door canvassing or soliciting without the soliciting of funds or other items of value does not require a permit, but shall be limited to between the hours of 10:00 a.m. and 8:00 p.m. unless by appointment. It is recommended that these organizations notify the Police Department prior to the event.

### **ARTICLE IV. MOBILE OR TEMPORARY FOOD VENDORS**

#### **Sec. 4-1. License requirements.**

Applicants for a mobile or temporary food vendor license shall submit an application to the City Clerk with the following information:

- (1) Name, address, telephone number of applicant, business name;
- (2) Type of food to be sold;
- (3) Location where food is to be sold. If it is on private property, the application needs to be accompanied by written permission from the owner of the property;
- (4) Length of time being requested;
- (5) Copy of all necessary current, valid state licenses pertaining to the operation of vehicles or the operation of a mobile food vendor;
- (6) Payment of the required fee as prescribed in the Schedule of Fees (Appendix A) attached to this ordinance. Charitable or non-profit shall be exempt from this fee;

Applicants who have provided the necessary information will be granted a license by the City Council for a period of time not exceeding ninety (90) days. The City Council may impose time, manner and place restrictions on the license for pedestrian or motor vehicle safety purposes. If the sales are to take place on City-owned property (other than streets), time, manner and place restrictions may be imposed by the director of parks and recreation or the City Council to avoid interference with the public's right to use City-owned property.

A licensee will, at all times, have the license prominently displayed on the vehicle or at the location where sales take place.

Mobile or temporary food vendors are not required to obtain canvassing and soliciting permits.

#### **Sec. 4-2. Limitations and regulations.**

No license for mobile or temporary food vendors will be granted to operate:

- (1) Within the congested business area, or
- (2) Within two hundred fifty (250) feet of any business selling the same or similar type of food.

Congested business area means the area starting at Water Street at the intersection of Water Street and Front Street proceeding north on Front Street to Union Street, proceeding west on Union Street to College Avenue, proceeding north on College Avenue to Getchell Street, proceeding west on Getchell Street to Main Street, then south on Main Street to North Street, then west on North Street to Pleasant Street, proceeding south on Pleasant Street to Western Avenue, then east on Western Avenue to Elm Street, proceeding south on Elm Street to Silver Street, then north on Silver Street to Sherwin Street, proceeding east on Sherwin Street to Water Street, then north to Front Street.

No mobile food vendor will stop for more than thirty (30) minutes in a three-hour period in the same general area.

Mobile or temporary food vendors may be required to move their vehicle or operation by the Police Department if the location interferes with vehicular or pedestrian safety.

#### **Sec. 4-3. Revocation of license.**

The license of a mobile or temporary food vendor may be revoked by the City Council after notice and hearing if the licensee violates any conditions of the license, any ordinance regarding mobile or temporary food vendors or the sale of food, or any statute governing the operation of a mobile eating place.

### **ARTICLE V. SPECIAL AMUSEMENT PERMIT**

#### **Sec. 5-1. Purpose.**

The purpose of this Article is to control the issuance of special permits for music, dancing or entertainment in facilities licensed by the State of Maine to sell liquor as required by 28 M.R.S.A., § 702.

#### **Sec. 5-2. Definitions.**

*Entertainment.* For the purposes of this Article, "entertainment" shall include any amusement, performance, exhibition or diversion for patrons or customers of the licensed premises whether provided by professional entertainers or by full-time or part-time employees of the licensed premises whose incidental duties include activities with an entertainment value.

*Licensee.* For purposes of this section, "licensee" shall include the holder of a license issued under the alcoholic beverages statutes of the State of Maine, or any person, individual, partnership, firm, association, corporation, or other legal entity, or any agent, or employee of any such licensee.

### **Sec. 5-3. Application and permit requirements.**

- (a) No licensee for the sale of liquor to be consumed on his premises, shall permit on his licensed premises, any music, except radio or other mechanical device, any dancing or entertainment of any sort unless the licensee shall have first obtained from the municipality in which the licensed premises are situated, a special amusement permit signed by at least a majority of the City Council.
- (b) Applications for all special amusement permits shall be made in writing to the City Council and shall state the name of the applicant; his residence address; the name of the business to be conducted; his business address; the nature of his business; the type of event to be held; the location to be used; whether the applicant has ever had a license to conduct the business therein described either denied or revoked and, if so, the applicant shall describe those circumstances specifically; whether the applicant, including all partners or corporate officers, has ever been convicted of a felony and, if so, the applicant shall describe specifically those circumstances; and any additional information as may be needed by the City Council in the issuing of the permit, including but not limited to a copy of the applicant's current liquor license.
- (c) No permit shall be issued for any thing, or act, or premises, if the premises and building to be used for the purposes do not fully comply with all ordinances, articles, bylaws, or rules and regulations of the City.
- (d) The fee for a special amusement permit shall be in accordance with the Schedule of Fees (Appendix A) attached to this ordinance.
- (e) The City Council shall, prior to granting a permit and after reasonable notice to the City and the applicant, hold a public hearing within fifteen (15) days of the date the request was received, at which the testimony of the applicant and that of any interested members of the public shall be taken.
- (f) The City Council shall grant a permit unless they find that issuance of the permit will be detrimental to the public health, safety or welfare, or would violate municipal ordinances, or rules and regulations, articles, or bylaws.
- (g) A permit shall be valid only for the license year of the applicant's existing liquor license.

### **Sec. 5-4. Conduct prohibited by licensees.**

The purpose of this section is to regulate nudity as a form of live entertainment at those establishments at which alcoholic beverages are served or consumed and which are licensees under the terms of this section.

No licensee shall permit entertainment on the licensed premises whether provided by professional entertainers, employees of the licensed premises, or any other person, any entertainment which involves exposure to public view of:

- (a) The licensee's or any of his other agents' or employees' genitals, pubic hair, buttocks, perineum or anus;
- (b) Any device, costume, or covering which gives the appearance of or simulates the genitals, pubic hair, buttocks, perineum or anus;
- (c) Any portion of the female breasts at or below the areola thereof.

For purposes of this section "exposure to public view" means the viewing, glimpsing, sighting, or reconnoitering by the use of one's ordinary visual means, that which is revealed, opened to

plain view, exposed, discovered, distinguished, recognized, observed, demonstrated, exhibited, or perceived, discerned, displayed or capable of any or all such, from any vantage point where the public or any patron of any licensee is allowed, authorized, invited, or normally or commonly frequents.

#### **Sec. 5-5. Inspections.**

(a) *Admission.* Whenever inspections of the premises used for or in connection with the operation of a licensed business which has obtained a special amusement permit are provided for or required by ordinance or state law, or are reasonably necessary to secure compliance with any ordinance provision or state law, it shall be the duty of the licensee, or the person in charge of the premises to be inspected, to admit any officer, official, or employee of the municipality authorized to make the inspection at any reasonable time that admission is requested.

(b) *Samples.* Whenever an analysis of any commodity or material is reasonably necessary to secure conformance with any ordinance, provision or state law, it shall be the duty of the licensee, or the person in charge of the premises, to give to any authorized officer, official, or employee of the City requesting the same, sufficient samples of the material or commodity for analysis.

(c) *Interfering with inspection.* In addition to any other penalty which may be provided, the City Council may revoke the special amusement permit of any licensee in the City who refuses to permit any such officer, official, or employee to make an inspection or take sufficient samples for analysis, or who interferes with such officer, official, or employee while in the performance of his duty. Provided, that no license or special amusement permit shall be revoked unless written demand for the inspection or sample is made upon the licensee or person in charge of the premises, at the time it is sought to make the inspection.

#### **Sec. 5-6. Suspension or revocation of a permit.**

The City Council may, after a public hearing preceded by notice to interested parties, suspend, or revoke any special amusement permits which have been issued under this Article on the grounds that the music, dancing, or entertainment so permitted constitutes a detriment to the public health, safety, or welfare, or violates any municipal ordinances, articles, bylaws, or rules and regulations.

#### **Sec. 5-7. Rules and regulations.**

The City Council are hereby authorized, after public notice and hearing, to establish written rules and regulations governing the issuance, suspension, and revocation of special amusement permits, the classes of permits, the music, dancing, or entertainment permitted under each class, and other limitations on these activities required to protect the public health, safety and welfare. These rules and regulations may specifically determine the location and size of permitted premises, the facilities that may be required for the permitted activities on those premises, and the hours during which the permitted activities are permitted.

Such rules and regulations shall be additional to and consistent with all sections of this Article.

#### **Sec. 5-8. Permit and appeal procedures.**

(a) Any licensee requesting a special amusement permit from the City Council shall be notified in writing of their decision no later than fifteen (15) days from the date his request was

received. In the event that a licensee is denied a permit, the licensee shall be provided with the reasons for the denial in writing. The licensee may not reapply for a permit within thirty (30) days after an application for a permit which has been denied.

(b) Any licensee who has requested a permit and has been denied, or whose permit has been revoked or suspended, may, within thirty (30) days of the denial, suspension or revocation, seek review of such action or failure to act pursuant to the Maine Rules of Civil Procedure, Rule 80-B. The superior court may grant or reinstate the permit if it finds that the permitted activities would not constitute a detriment to the public health, safety, or welfare, or that the denial, revocation or suspension was arbitrary or capricious, or that the denial, revocation, or suspension was not based by a preponderance of the evidence on a violation of any ordinance, article, bylaw, or rule or regulation of the City.

## **ARTICLE VI. BOTTLE CLUBS**

### **Sec. 6-1. License required.**

No person, firm, or corporation shall keep, maintain, operate, lease, or otherwise furnish, either to its members and guests or to the general public, any premises, in the City of Waterville, for use as a bottle club, without first having obtained a license therefore to be issued by the City Clerk after approval by the City Council in accordance with this Article.

### **Sec. 6-2. Definitions.**

Unless otherwise defined herein or in the text, all words used will have their common meaning:

- (a) *Bottle club* means any establishment or premises which is operated on a regular basis in the following manner: (1) no alcoholic beverages sold on the premises; (2) all members; guests or members of the public must provide their own alcoholic beverages for consumption on the premises; (3) fees or other charges are imposed on all members, guests or members of the public for admission to the premises; or for setups, i.e. liquid mixers, cups, ice and other items associated with the consumption of alcoholic beverages or for any other reason. For purposes of this Article, the term "bottle club" shall include, but not be limited to all such premises designated for municipal regulation under 28 M.R.S.A., subsection 2(1-A), subsection 4.
- (b) *Person* shall mean any individual, person, firm, corporation, association, partnership or organization.
- (c) *Officer* shall mean any officer, director, stockholder, owners, manager, or person who either has a financial interest of any nature in a bottle club or directs any policy of a bottle club.

### **Sec. 6-3. Fees.**

The annual license fee for a bottle club shall be as provided for in the Schedule of Fees (Appendix A) attached to this ordinance.

### **Sec. 6-4. Application and information.**

Every applicant for a bottle club license shall:

- (a) Complete and file an application on a form prescribed by the City Manager and City Council;
- (b) Deposit the prescribed license fee in advance with the City Clerk;
- (c) Submit with the completed application to the City Clerk the following:
  - (1) An attested copy of the Articles of Incorporation and Bylaws, if the applicant is a corporation, of Articles of Association and Bylaws, if the applicant is an association, or partnership documents if the applicant is a partnership, as well as a list of all principal officers of the bottle club.
  - (2) An affidavit which will identify all principal officers, their places of residency at the present time and for the immediately preceding three (3) years.
  - (3) A description of the premises for which a license is desired and shall set forth such other material information, description, or plan of that part of the premises where liquor will be consumed.

If an application should be denied or withdrawn the license fee shall be refunded to the applicant.

#### **Sec. 6-5. Investigation of applicant.**

Upon receipt of each application for a bottle club license:

- (a) Code enforcement officer shall verify that the premises of the proposed bottle club comply with the applicable ordinances of the City of Waterville, including, but not by way of limitation, the building code, electrical code, plumbing code and zoning ordinance and shall report his findings in writing to the City Council.
- (b) The health officer shall cause inspection to be made of the proposed location of the bottle club for the purpose of determining whether the applicable ordinances relating to health and safety have been complied with. A report of his findings shall be made in writing to the City Council.
- (c) The Fire Chief shall cause an inspection to be made of the proposed location of the bottle club for the purpose of determining if City ordinances concerning fire and safety have been complied with. He shall submit a report of his findings in writing to the City Council.

All reports required under this section shall be filed with the City Clerk.

#### **Sec. 6-6. Notice of hearing.**

After receipt of the written reports required by section 6-4, the City Clerk shall give notice of a public hearing on the application in the form and manner and to the persons herein specified:

- (a) The notice shall include the time and place of such hearing, the nature of the matter to be heard, the address or location of the property involved. Where notice by mail is required, it shall be mailed at least seven (7) days in advance of the hearing date by regular United States mail.
- (b) Notices shall be given to each of the following:
  - (1) To the applicant;

(2) To all residents of the City by publication in a newspaper of general circulation in the City at least once, not more than thirty (30) nor less than five (5) days, before the date of the hearing;

(3) To the owners of the property within three hundred (300) feet of such parcel or tract by mail;

(4) For the purpose of this section, the owners of property, shall be considered to be the parties listed by the assessor's office of the City of Waterville as those against whom taxes are assessed. Failure of any property owner to receive a notice of public hearing shall not necessitate another hearing and shall not invalidate any action of the City Council.

#### **Sec. 6-7. License not to be transferable.**

A separate license must be obtained for each bottle club. Each license shall authorize the operation of such an establishment only at the location described in such license and in conformity with all applicable ordinances and laws. No license shall be transferred to another person or to any other location.

#### **Sec. 6-8. Display of license.**

Every bottle club shall exhibit its license at all times in a conspicuous place on its premises.

#### **Sec. 6-9. Expiration.**

All licenses issued pursuant to this Article shall expire on the last day of April each year.

#### **Sec. 6-10. Suspension or revocation.**

(a) A license to operate a bottle club as provided for by this Article may be denied, suspended, or revoked by the City Council for either a violation or failure to comply with any of the provisions of this Article.

(b) No bottle club licensee shall permit entertainment on a licensed premises, whether provided by professional entertainers, employees of the licensed premises, or any other person which involves the exposure to public view of:

(1) The licensee's, or any of his agents or employees', genitals, pubic hair, buttocks, perineum or anus;

(2) Any device, costume or covering which gives the appearance of, or simulates the genitals, pubic hair, buttocks, perineum, or anus;

(3) Any portion of the female breasts, at or below the areola thereof.

For purposes of this section, "exposure to public view" means the viewing, glimpsing, sighting, or reconnoitering by the use of one's ordinary visual means, that which is revealed, or opened to plain view, exposed, discovered, distinguished, recognized, observed, demonstrated, exhibited, perceived, discerned, displayed or capable of any or all such, from any vantage point where the public or any patron of any licensee is allowed, authorized, invited, or normally or commonly frequents.

(c) Denial, suspension or revocation of a bottle club license under the terms of this section shall be made by the City Council after notice of hearing before the City Council.

**Sec. 6-11. Appeals.**

An appeal from any final decision of the City Council shall be taken by any party to the superior court in accordance with the provisions of Rule 80B of the Maine Rules of Civil Procedure.

**Sec. 6-12. Hours of bottle club.**

No bottle club shall be opened for business between the hours of 2:00 a.m. and 6:00 a.m. on January 1 and between 1:00 a.m. and 6:00 a.m. on all other days. During the hours that a bottle club must remain closed, no members, guests or other persons, other than regular employees, may remain therein, and the use by anyone of the premises or facilities of the bottle club for the drinking of alcoholic beverages during such hours when a bottle club must remain closed is prohibited.

**ARTICLE VII. CONCEALED WEAPON PERMIT****Sec. 7-1. Application and Fee.**

The Chief of Police shall, upon written application, issue a license to carry a concealed weapon to any legal resident of the City who complies with the regulations and procedures in 25 M.R.S.A., Section 2032. The license fees under this section are provided for in the Schedule of Fees (Appendix A) attached to this ordinance.

**ARTICLE VIII. VEHICLES FOR HIRE****Sec. 8-1. Definition.**

Any vehicle used for hire for the carriage of passengers or light baggage within the City or into or out of the City shall be deemed a taxicab. Light baggage is to mean trunks, suitcases, groceries, parcels or other items which may be carried in the trunk or inside a passenger motor vehicle.

**Sec. 8-2. License required.**

No person shall own and use or operate any taxicab in the City without a license for such purpose as provided for herein.

**Sec. 8-3. Issuance of owner's and operator's licenses.**

(a) The City Council acting in accordance with the authority in Article IV, Section 7.I of the Charter, authorize the office of the City Clerk to issue licenses to own or use a vehicle for hire within the City and further to issue licenses to operate a taxicab within the City. Applicants for either an owner's or operator's license must file a written application with the City Clerk's office and must pay the required fee. The City Clerk's office, utilizing the following guidelines and standards, will issue a license, provided all of the following guidelines and standards are met:

1. Has a valid State of Maine driver's license;

2. Is at least eighteen (18) years of age;
3. For any owner, has the required vehicle registration;
4. Has a minimum of one (1) year's driving experience;
5. Has been photographed and fingerprinted when requested by the Police Department;
6. Has obtained an identification tag as described in section 8-5 of this chapter;
7. For an owner, has current liability running for no less than one (1) year after May 1 of each year, and for a sum of not less than fifty thousand dollars (\$50,000.00) because of bodily injury or death to any one (1) person; in the amount of one hundred thousand dollars (\$100,000.00) because of bodily injury or death of two (2) persons in any one (1) accident; and in the amount of twenty-five thousand dollars (\$25,000.00) because of injury to and destruction of property in any one (1) accident; or a one hundred twenty-five thousand dollar (\$125,000.00) single-limit policy as provided through the assigned risk program. All liability insurance policies required under this subsection shall contain a clause requiring notification to the City if the policy is canceled or not renewed;
8. Has not been convicted of any of the following:
  - a. Operating under the influence of either drugs or alcohol within the previous one-year period; two (2) or more convictions for operating under the influence of either drugs or alcohol within the previous six-year period;
  - b. A class A, B, or C crime within the previous ten-year period; conviction of any crime of any class that involves threatening or violent behavior within a five-year period;
  - c. More than two (2) motor vehicle violations within the past eighteen (18) months; more than four (4) motor vehicle violations within the past thirty-six (36) months;
  - d. The office of the City Clerk shall be empowered to utilize the services of the City Police Department to provide official reports and records pertaining to the matters in subsections a., b. and c.
9. Is not required to register as a sex offender.

(b) The office of the City Clerk, if it makes the factual determination that one (1) or more of the above guidelines and standards has or have not been met, is to issue in writing a denial of a request for a license to either own or use or to operate and will set forth the reason for refusal to issue such license. An applicant who has been denied a license shall have the right to appeal the denial of this license to a select committee designated by the chairman of the City Council, which committee may consist of no more than three (3) members. The select committee shall act in an appellate manner and shall ascertain from the facts presented in the record compiled by the City Clerk's office as to whether the facts are accurate, and if accurate constitute a failure to meet one (1) or more of the guidelines or standards set forth in this section as a basis for denial of a license. An appeal from the decision of the select committee of the City Council will then be in accordance with Rule 80B of the Maine Rules of Court.

#### **Sec. 8-4. Renewal and revocation of owner's or operator's licenses.**

(a) The office of the City Clerk shall renew a license to either own or use a taxicab or to operate a taxicab on or before May 1 of each year, provided however, that the applicant must still meet all of the licensing guidelines and standards set forth in this Article. The office of the City Clerk shall be empowered to utilize the services of the City Police Department to update

and to check on certain of the guidelines and standards. Upon proof of meeting the guidelines and standards and payment of the license fee, the office of the City Clerk is authorized to issue a renewal of licenses under this section.

(b) If information is provided to the office of the City Clerk that a current licensee has violated one (1) or more of the guidelines or standards set forth in this Article and this fact is verified by the Police Department, then in that instance, the office of the City Clerk shall issue a notice of revocation of an existing license. A licensee who has been notified of revocation of this license is entitled to an appeal from this decision in the manner set forth in this Article provided, however, the licensee shall be banned from owning and using or operating pending a decision on appeal. Failure to surrender a revoked license upon written request by the office of the City Clerk shall be a violation subject to a fine or penalty as provided for in the Administrative Ordinance, Section 2-9.

#### **Sec. 8-5. Identification tag; guidelines.**

(a) Each taxicab operator is required to display an identification tag in a conspicuous manner in any taxicab the licensee operates. The identification tag must contain the licensee's name, address, photograph and license number.

(b) Every taxicab owner licensed to operate within the City shall keep a copy of the guidelines set forth in this section posted at his place of business.

#### **Sec. 8-6. Revocation.**

The City Clerk, with assistance from the Police Department, may revoke or suspend the license of any owner or operator who violates the conditions of the license, makes a material misstatement on the application for the license, uses abusive or profane language in the presence of a passenger, keeps his taxicab in an unsafe, unclean or unsatisfactory condition, or operates his taxicab in an unsafe manner.

#### **Sec. 8-7. Rates to be charged; violations, penalty.**

(a) The rates to be charged by taxicabs shall not be lower than the minimum rates nor exceed the maximum rates that may be fixed by the City Council. A schedule of rates so fixed, together with a representative mileage chart provided by the City, shall be posted in every taxicab when in operation, and the schedule shall be illuminated at night so as to be easily read by passengers.

(b) In case of violation of the rates so fixed, owners or operators of taxicabs shall be liable to the penalties provided for in the Administrative Ordinance, Section 2-9 for each violation, and in addition the City Clerk may revoke or suspend the license of any taxicab owner or operator who is convicted of such violation.

#### **Sec. 8-8. Taxi rates.**

No taxicab operator or taxicab owner shall charge a sum for the use of a taxicab other than in accordance with the following rates:

1. The charge for taxicab service for a passenger shall not be more than two dollars and twenty-five cents (\$2.25) for the first mile or part thereof from the point of origin and then twenty-five cents (\$0.25) for each one-fifth (1/5) mile or portion thereof after the first mile of travel.

2. Charges for handling and delivery of packages shall be as follows:
  - a. No charge shall be made for baggage or parcels, the size of which permits them to be carried in the cab and which may safely be handled by the passenger.
  - b. An additional charge of seventy-five cents (\$0.75) for aiding with groceries, parcels and baggage placed in the trunk over the rate of fare for a passenger as calculated above may be charged.
  - c. The rate for pickup, handling and delivery of packages and errands without a passenger will be the same as that for a passenger as calculated above.
3. The rate for transporting additional passengers to the same destination will be a maximum of one dollar and twenty-five cents (\$1.25) per passenger.
4. No driver shall permit any other person to occupy or ride in his taxicab unless the person first employing the taxicab shall consent to the acceptance of additional passengers.
5. It shall be unlawful for a passenger to fail or refuse to pay the lawful fare at the termination of the trip.

**Sec. 8-9. Number of passengers permitted.**

The number of passengers carried by a taxicab at any time shall not exceed the seating capacity of the vehicle.

**ARTICLE IX. VIOLATIONS**

Violations of any provision of this ordinance shall be subject to the penalties as prescribed in the Administrative Ordinance, Article II, Section 2-9, unless a different penalty is provided herein.

## APPENDIX A -- LICENSE & PERMIT FEE SCHEDULE

<i>Amusements</i> .....	\$ 100.00
<i>Bottle clubs</i> .....	\$ 300.00
<i>Canvassing, (excepting charitable/nonprofit)</i> .....	\$ 50.00
<i>Canvassing--Nonprofit I.D. Tags</i> .....	\$ 1.00/ea.
<i>Caterers, resident and itinerant</i> .....	\$ 50.00
<i>Concealed weapons</i> .....	\$ 35.00
(Renewal) .....	\$ 20.00
<i>Innkeepers and lodging houses</i> .....	\$ 100.00
<i>Mobile or temporary food vendor</i> .....	\$ 100.00
(90-day license) .....	\$ 100.00
(7-day license) .....	\$ 35.00
(1 day license) .....	\$ 25.00
<i>Pawnbrokers; secondhand dealers</i> .....	\$ 50.00
<i>Special amusement permits</i> .....	\$ 50.00
<i>Taxicab operators</i> .....	\$ 15.00
(Duplicates or reciprocal) .....	\$ 5.00
<i>Taxicab owners, (each cab)</i> .....	\$ 50.00
<i>Theaters</i> .....	\$ 100.00
<i>Victualers, liquor</i> .....	\$ 200.00
Non-liquor .....	\$ 75.00

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APPROVED

Waterville City Council  
May 15, 2007